

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6534

BILL NUMBER: SB 178

NOTE PREPARED: Jan 29, 2008

BILL AMENDED: Jan 28, 2008

SUBJECT: Underground Storage Tank Corrective Actions.

FIRST AUTHOR: Sen. Gard

FIRST SPONSOR: Rep. Dvorak

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that a person who undertakes certain corrective action in response to a release from an underground storage tank (UST) is entitled to (1) recover past, present, and future corrective action costs; or (2) receive contribution from a person who owned or operated the UST at the time the release occurred. The bill limits the entitlement of a person who brings a successful cost recovery or contribution action by allowing a court to use legal and equitable factors that the court determines are appropriate to award and allocate costs, past, present, and future costs and attorney's fees.

Effective Date: Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) The bill expands activities that qualify as past, present, and future corrective action. If the state sought to recover past, present, and future costs for corrective action, the state might be able to recover additional costs for action taken. The specific impact will depend on the number and nature of actions involving past, present, and future corrective action taken by the state. Any costs recovered would be deposited in the Petroleum Trust Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: (Revised) If a local unit sought to recover costs for past, present, and future corrective action, the local unit might be able to recover additional costs for action taken. The specific impact will depend on the number and nature of actions involving past, present, and future corrective action taken by the unit.

State Agencies Affected: IDEM.

Local Agencies Affected: Circuit or superior courts; Local units taking corrective action.

Information Sources:

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